

# WORKMAN | NYDEGGER

INTELLECTUAL PROPERTY ATTORNEYS

1000 EAGLE GATE TOWER  
60 EAST SOUTH TEMPLE  
SALT LAKE CITY, UTAH 84111  
TELEPHONE: (801) 533-9800  
FAX: (801) 328-1707  
WEBSITE: HTTP://WWW.WNLAW.COM



0 597,395

EXPRESS MAIL LABEL NO.: EV 485807900 US PATENT APPLICATION  
Docket No.: 15436.247.11.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## TRANSMITTAL FOR SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT



Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing and pursuant to 37 C.F.R. § 1.97 is an Information Disclosure Statement.

Enclosed also are the following designated documents, as required under 37 C.F.R. §§ 1.97 and 1.98:

- ☒ Form PTO-1449 list of 14 references submitted for consideration.
- ☐ Legible copies of the listed references or their relevant portions.
- ☐ All English translations of each non-English reference, if any, within the possession, custody, control or availability of anyone designated in 37 C.F.R. § 1.56(c) (see 37 C.F.R. § 1.98(c)).

The following are included within the Information Disclosure Statement if applicable and as required under 37 C.F.R. § 1.98:

- ☐ Concise explanation of relevance of each reference not in English and unaccompanied by an English translation.
- ☐ Statement that certain listed references not enclosed are substantially cumulative of an enclosed reference.

R. PARRISH FREEMAN, JR.  
PETER E. MAHON, JR.  
L. RICH STEVEN, PH.D.  
WILLIAM R. ROCHET  
ERIC M. KANTAYAT  
ROBERT E. AYOON  
JENS C. JENSEN  
KEVIN W. STANGER  
WILLIAM J. ADAM  
MICHAEL B. DODD  
RYAN D. BENSON  
SARA D. JONES  
TIGER KETTER  
JANNA L. JENSEN  
MATTHEW D. TODD  
J. LAWRENCE OGDEN  
MICHAEL J. FRODSHAM  
JOSEPH L. KRUPA  
BRETT A. HANSEN  
BRETT L. JOHNSON  
MATTHEW A. BARLOG  
WESLEY C. RYLANDER  
ANDREW S. HANSEN  
CHAD E. NYDEGGER  
JOSEPH G. PA  
CANTON L. DICK  
RYAN N. FARRER  
JAMES B. BUSH  
AUBSON B. MOORE  
KIRK R. HANSEN  
KEITH S. NELSON  
MICHAEL M. BARNARD  
DAVID A. JONES  
SHANE K. JENSEN  
JONATHAN M. BENSON, PH.D.

VERNON R. R

X Statement that certain listed references not enclosed were previously cited by or submitted to the Office in the identified prior application which is relied upon for an earlier filing date under 35 U.S.C. § 120.

X Legible Copies of previously filed Information Disclosure Statement for application Serial No. 10/420,027, filed April 17, 2003.

In order to secure consideration of the items designated above, one or more of the following, if required, is also enclosed:

\_\_\_ Promptness Certification.

\_\_\_ Check No. \_\_\_\_\_ in the amount of \$\_\_\_\_\_ constituting submission fee under 37 C.F.R. 1.17(p);

\_\_\_ Petition for Consideration and Check No. \_\_\_\_\_ in the amount of \$\_\_\_\_\_.

X In the event that 37 C.F.R. § 1.97(c) applies and the Examiner is not satisfied that the Promptness Certification meets the requirements of 37 C.F.R. § 1.97(e), or in any other event remediable by a fee, please credit any over payment or charge any additional fees to Deposit Account No. 23-3178 of the undersigned.

Dated this 17 day of January, 2005.

Respectfully submitted,



Eric L. Maschoff  
Attorney for Applicant  
Registration No. 36,596  
Customer No. 022913



EXPRESS MAIL LABEL NO.: EV 485807900 US

PATENT APPLICATION  
Docket No.: 15436.247.11.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Hofmeister, et al

Serial No.: 10/697,395

Filed: October 30, 2003

Confirmation No.: 7465

For: AUTOMATIC SELECTION OF DATA  
RATE FOR OPTOELECTRONIC  
DEVICES

Examiner: Unknown

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 C.F.R. § 1.97**

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). While no representation is made that any of these references may be "prior art" within the meaning of that term under 35 U.S.C. §§ 102 or 103, the enclosed list of references is disclosed so as to fully comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record

believes that the enclosed art is the closest to the claimed invention (taken in its entirety) of which the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

In accordance with 37 C.F.R. §§ 1.97 and 1.98, a copy of each of the non-patent listed references or relevant portion thereof is also enclosed.

Since all listed references are either in the English language or are accompanied by a translation into English, no concise explanation of relevance is required under 37 C.F.R. § 1.98(a)(3).

Statement of References Previously Disclosed  
Under 37 C.F.R. § 1.98(d)

The following listed references are not enclosed because, under 37 C.F.R. § 1.98(d), they were previously cited by or submitted to the Office in application number 10/420,017, filed on April 17, 2003, which is relied upon for an earlier filing date under 35 U.S.C. § 120.

This Information Disclosure Statement is being filed within three months of the filing date of the Application or before a first Office Action on the merits has been received, therefore, no fee is believed to be due. Please credit any over payment or charge any additional fees to Deposit Account No. 23-3178 of the undersigned.

Dated this 17<sup>th</sup> day of January, 2005.

Respectfully submitted,



Eric L. Maschoff  
Attorney for Applicant  
Registration No. 36,596  
Customer No. 022913

EXPRESS MAIL LABEL NO.: EV 4858070900 US

Form PTO-1449

Sheet 1 of 4

Applicant: Hofmeister, et al.

Serial No.: 10/697,395

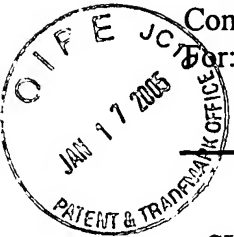
Att'y Docket No.: 15436.247.11.1

Filing Date: October 30, 2003

Group: 2661

Confirmation No.: 7465

For: AUTOMATIC SELECTION OF DATA RATE FOR OPTOELECTRIC DEVICES



SUPPLEMENTAL INFORMATION DISCLOSURE CITATIONS MADE BY APPLICANT

U.S. Patent Documents

<u>Examiner Initial*</u>	<u>Document Number</u>	<u>Issue/Publication Date</u>	<u>Name</u>
___ 1	5,854,704	12/29/1998	Grandpierre
___ 2	6,256,127 B1	07/03/2001	Taylor
___ 3	4,932,038	06/05/1990	Windus
___ 4	2002/0021468 A1	02/21/2002	Kato et al.
___ 5	2002/0060824 A1	05/23/2002	Liou et al.
___ 6	2003/0053170 A1	03/20/2003	Levinson et al.

Foreign Patent Documents

NONE

Examiner:

Date Considered:

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

EXPRESS MAIL LABEL NO.: EV 4858070900 US

Form PTO-1449

Sheet 2 of 4

Applicant: Hofmeister, et al.

Serial No.: 10/697,395

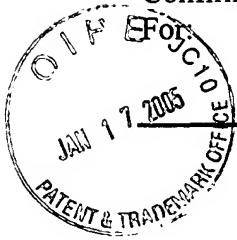
Att'y Docket No.: 15436.247.11.1

Filing Date: October 30, 2003

Group: 2661

Confirmation No.: 7465

AUTOMATIC SELECTION OF DATA RATE FOR OPTOELECTRIC  
DEVICES



---

Other Documents

(including author, title, pertinent pages, etc.)

Examiner

Initial\*

- \_\_\_\_\_ 7     *LXT16706/16707 SerDes Chipset*, Intel Products,  
www.intel.com/design/network/products/optical/phys/lxt16706.htm, April 19,  
2002.
  
- \_\_\_\_\_ 8     *LXT35401 XAUI-to-Quad 3.2G Transceiver*, Intel Products,  
www.intel.com/design/network/products/optical/phys/lxt35401.htm, April 19,  
2002.
  
- \_\_\_\_\_ 9     Texas Instruments User's Guide, *TLK2201 Sedes EVM Kit Setup and Usage*,  
Mixed Signal DSP Solutions, July 2000.
  
- \_\_\_\_\_ 10    Texas Instruments User's Guide, *TLK1501 Serdes EVM Kit Setup and Usage*,  
Mixed Signal Products, June 2000.
  
- \_\_\_\_\_ 11    National Semiconductor DS92LV16 Design Guide, *Serializing Made Simple*,  
February 2002.
  
- \_\_\_\_\_ 12    Vaishali Semiconductor, *Fibre Channel Transceiver*, VN16117, MDSN-0002-02,  
08/09/2001.
  
- \_\_\_\_\_ 13    Fairchild Semiconductor, Application Note 77, *CMOS, the Ideal Logic Family*,  
January 1983.

---

Examiner:

Date Considered:

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

EXPRESS MAIL LABEL NO.: EV 4858070900 US

Form PTO-1449

Sheet 3 of 4

Applicant: Hofmeister, et al.

Serial No.: 10/697,395

Att'y Docket No.: 15436.247.11.1

Filing Date: October 30, 2003

Group: 2661

Confirmation No.: 7465

For: AUTOMATIC SELECTION OF DATA RATE FOR OPTOELECTRIC  
DEVICES

---

\_\_\_\_\_ 14     Analog Target Specification, Annex 48B, Published by IEEE New York, 05/2001,  
pp. 6-14.

---

Examiner:

Date Considered:

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

EXPRESS MAIL LABEL NO.: EV 4858070900 US

Form PTO-1449

Sheet 4 of 4

Applicant: Hofmeister, et al.

Serial No.: 10/697,395

Att'y Docket No.: 15436.247.11.1

Filing Date: October 30, 2003

Group: 2661

Confirmation No.: 7465

For: AUTOMATIC SELECTION OF DATA RATE FOR OPTOELECTRIC  
DEVICES

---

### References Cited by Applicants

While the filing of Information Disclosure Statements is voluntary, the procedure is governed by the guidelines of Section 609 of the Manual of Patent Examining Procedure and 37 C.F.R. §§ 1.97 and 1.98. To be considered a proper Information Disclosure Statement, Form PTO-1449 shall be accompanied by a copy of each listed patent or publication or other item of information and a translation of the pertinent portions of foreign documents (if an existing translation is readily available to the applicant), an explanation of relevance of each reference not in the English language, and should be submitted in a timely manner as set out in MPEP Sec. 609.

Examiners will consider all citations submitted in conformance with 37 C.F.R. § 1.98 and MPEP Sec. 609 and place their initials adjacent the citations in the spaces provided on this form. Examiners will also initial citations not in conformance with the guidelines which may have been considered. A reference may be considered by the Examiner for any reason whether or not the citation is in full conformance with the guidelines. A line will be drawn through a citation if it is not in conformance with the guidelines AND has not been considered. A copy of the submitted form, as reviewed by the Examiner, will be returned to the applicant with the next communication. The original of the form will be entered into the application file.

Each citation initialed by the Examiner will be printed on the issued patent in the same manner as references cited by the Examiner on Form PTO-892.

The reference designations "A1," "A2," etc. (referring to Applicant's reference 1, Applicant's reference 2, etc.) will be used by the Examiner in the same manner as Examiner's reference designations "A," "B," "C," etc. on Office Action Form PTO-1142.

TAT0000000592V001

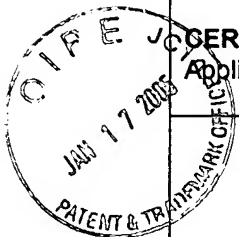
---

Examiner:

Date Considered:

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**

Applicant(s): EV 485807900 US

Docket No.

15436.247.11.1

Serial No.  
10/697,395Filing Date  
October 30, 2003Confirmation No.  
7465Examiner  
UnknownGroup Art Unit  
2661

Invention: AUTOMATIC SELECTION OF DATA RATE FOR OPTOELECTRIC DEVICES

I hereby certify that the Transmittal letter (2 pages) (in triplicate); Information Disclosure Statement (2 pgs); Form PTO-1449 Listing all Cited References (4 pgs); Legible Copies of previously submitted Information Disclosure Statement (4 pgs); and postcard are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 17, 2005.

Tobi Terry

(Typed or Printed Name of Person Mailing  
Correspondence)

(Signature of Person Mailing Correspondence)

EV 485807900 US

("Express Mail" Mailing Label Number)

**EV485807900US**

TAT0000000595V001